



House of Representatives

General Assembly

File No. 358

February Session, 2012

Substitute House Bill No. 5498

House of Representatives, April 11, 2012

The Committee on Public Health reported through REP. RITTER, E. of the 38th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CHANGES TO THE FUNERAL SERVICES STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 7-62b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2012*):

4 (a) A death certificate for each death which occurs in this state shall
5 be completed in its entirety and filed with the registrar of vital
6 statistics in the town in which the death occurred [no] not later than
7 five business days after death if filing a paper certificate and [no] not
8 later than three calendar days after death if filing through an electronic
9 death registry system, in order to obtain a burial permit prior to final
10 disposition. The death certificate shall be registered if properly filed. If
11 the place of death is unknown but the body is found in this state, the
12 death certificate shall be completed and filed in accordance with this
13 section, provided the place where the body is found shall be shown as
14 the place of death.

15 Sec. 2. Section 20-230c of the general statutes is repealed and the
16 following is substituted in lieu thereof (*Effective October 1, 2012*):

17 If the person who has custody and control of the remains of a
18 deceased person pursuant to section 45a-318 requests the disposal of
19 the deceased person's body by cremation or if the deceased person had
20 executed a cremation authorization document in accordance with the
21 provisions of section 45a-318, the funeral director shall complete a
22 written form containing the following information: (1) The name and
23 address of the funeral service business that is responsible for the
24 disposal of the deceased person's body; (2) the name of the deceased
25 person; (3) the place and time of the cremation; (4) the name of the
26 licensed funeral director or embalmer; (5) the name and address of the
27 person who has custody and control of the remains of the deceased
28 person; (6) a summary of the disposition, in accordance with section
29 20-230d, of the cremated remains, if unclaimed; and (7) a statement
30 indicating the disposition of the cremated remains requested by the
31 person who has custody and control of the remains of the deceased
32 person or a statement indicating that the deceased person had
33 executed a cremation authorization document in accordance with the
34 provisions of section 45a-318. The written form shall be signed and
35 dated by the person who has custody and control of the remains of the
36 deceased person and by the funeral director. A copy of the signed form
37 shall be provided to the person who has custody and control of the
38 remains of the deceased person. The original signed form shall be
39 [retained] maintained at the funeral service business, as required by
40 section 20-222, for not less than [twenty] six years from the date on
41 which such form is signed by the person who has custody and control
42 of the remains of the deceased person.

43 Sec. 3. Subsection (a) of section 42-200 of the general statutes is
44 repealed and the following is substituted in lieu thereof (*Effective*
45 *October 1, 2012*):

46 (a) For the purposes of this section and sections 42-201 to 42-206c,
47 inclusive, "funeral service contract" means a contract which requires

48 the payment of money or the delivery of securities in exchange for the
49 final disposition of a dead human body, including funeral, burial or
50 other services, or the furnishing of personal property or funeral
51 merchandise in connection with any such disposition, wherein the use
52 or delivery of such services, property or merchandise is not required
53 immediately, "beneficiary" means the person for whom the goods or
54 services purchased in a funeral service contract are to be provided,
55 [and] "purchaser" means the person who signs the funeral service
56 contract, and "delivery of securities" includes, but is not limited to,
57 assignment of a death benefit payable under an individual or group
58 life insurance policy.

59 Sec. 4. Section 42-207 of the general statutes is repealed and the
60 following is substituted in lieu thereof (*Effective October 1, 2012*):

61 An irrevocable funeral contract may be entered into in which the
62 amount held in escrow may be disbursed only upon the death of the
63 beneficiary, provided such a contract does not exceed five thousand
64 four hundred dollars and all interest accumulates to the escrow
65 account and is inaccessible to the beneficiary. Such irrevocable funeral
66 contracts may be transferred from one funeral service establishment to
67 another upon request of the beneficiary or a legal representative of the
68 beneficiary. The purchase of an irrevocable funeral contract shall not
69 preclude an individual from purchasing other funeral contracts that
70 are revocable, provided any such revocable funeral contract purchased
71 by a Medicaid beneficiary may be revoked only upon written notice by
72 the Medicaid beneficiary to the Commissioner of Social Services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	7-62b(a)
Sec. 2	October 1, 2012	20-230c
Sec. 3	October 1, 2012	42-200(a)
Sec. 4	October 1, 2012	42-207

Statement of Legislative Commissioners:

In the second sentence of section 4, "legal" was inserted before "representative", for clarity.

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

There is no fiscal impact to the state or municipalities associated with changes to funeral services statutes.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sHB 5498*****AN ACT CONCERNING CHANGES TO THE FUNERAL SERVICES STATUTES.*****SUMMARY:**

This bill allows people to pay for funeral service contracts by assigning the death benefit under a life insurance policy. It also allows a legal representative of the beneficiary to authorize the transfer of an irrevocable funeral contract from one funeral establishment to another. (Current law allows only the beneficiary to authorize a transfer.)

The bill requires death certificates filed in paper form to be filed within five business days, rather than five calendar days, after death.

The bill requires funeral service businesses to maintain the original, signed cremation authorization documentation form for at least six years, rather than at least 20 years, after it was signed by the person with custody and control of the deceased person's remains. This change conforms to another provision in existing law requiring funeral service businesses to keep cremation authorizations and several other documents for at least six years.

EFFECTIVE DATE: October 1, 2012

LIFE INSURANCE BENEFIT AS PAYMENT FOR FUNERAL SERVICE CONTRACT

The bill allows people to pay for funeral service contracts by assigning the death benefit under a life insurance policy. The law defines a funeral service contract as a contract which requires the payment of money or the delivery of securities in exchange for the final disposition of a dead human body, including funeral, burial, or other services, or the furnishing of personal property or funeral

merchandise in connection with such disposition, where the use or delivery of such services, property, or merchandise is not required immediately. The bill provides that for purposes of this definition, “delivery of securities” includes assignment of a death benefit that is payable under an individual or group life insurance policy.

The law requires funeral service establishments to deposit into escrow any money or securities they receive pursuant to a funeral service contract (CGS § 42-202). It is not clear how this requirement applies to the assignment of death benefits under life insurance.

DEADLINE FOR FILING DEATH CERTIFICATE

Current law requires that death certificates be completed in their entirety and filed with the registrar of vital statistics in the town where the death occurred within (1) five days after death if filing a paper certificate and (2) three days after death if filing through an electronic death registry system, to obtain a burial permit. The bill specifies that the deadline for filing paper certificates is five business days, not five calendar days. Electronic filings must be completed within three calendar days as under current law.

BACKGROUND

Related Bill

Among other things, sSB 412, reported favorably by the Public Health Committee on March 23, 2012, (1) requires the Department of Consumer Protection (DCP) commissioner to establish a guaranty fund for the payment of certain claims against funeral service establishments; (2) requires funeral service establishments to provide a copy of DCP’s funeral service contract fact sheet to anyone who inquires in person about purchasing a funeral service contract or purchases such a contract, before signing it; and (3) makes a technical change to the definition of funeral service contract.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/26/2012)